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PATENT

Attorney Docket No. 38730.830029.001  
Express Mail Label No. EL222668295US

A

IN THE U.S. PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION TRANSMITTAL

12/20/99  
Box U.S. Patent Office  
12/20/99  
JCS 4 U.S. 466971 Pro

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a  Utility  Design Patent Application under 37 CFR §1.53(b). This application, entitled **SUBSTANCE DELIVERY APPARATUS** is:  an Original  
 a Continuation  
 a Divisional  
 a Continuation-in-Part

Patent Application of pending prior application Serial No. 08/989,150 filed on December 12, 1997 by Michael CALLUAUD and Victor YERBURY for SUBSTANCE DELIVERY APPARATUS which is a U.S. Application of prior Australian application Serial No. PO4186 filed on December 12, 1996, from which priority is claimed.

Enclosed are:

- An original specification, claims, drawing and Declaration and Power of Attorney.
- A true copy of the prior application, including the specification, claims, drawings, oath/declaration:
  - 14 pages of specification
  - 6 pages of claims
  - 1 pages of abstract
  - 7 pages of drawings
  - 3 pages of Declaration
- A preliminary amendment is enclosed to be entered in the new application after a filing date has been granted.
- New formal drawings are enclosed.
- A List of References.

The filing fee is calculated below:

(Col. 1)	(Col. 2)	
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	49 - 20 =	* 29
INDEP CLAIMS	2 - 3 =	* 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

SMALL ENTITY		OTHER THAN A SMALL ENTITY	
RATE	FEES	RATE	FEES
	\$380		\$ 760
x 9 =	\$	x18 =	\$ 522
x38 =	\$	x78 =	\$
x130 =	\$	+260 =	\$
TOTAL	\$	TOTAL	\$ 1282

- A check in the amount of \$1282.00 is enclosed.

\_\_\_\_ Please charge Deposit Account No. 08-2623 in the amount of \$ \_\_\_\_\_.

\_\_\_\_ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 08-2623.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-2623. A duplicate copy of this sheet is attached.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

\_\_\_\_ Cancel claims \_\_\_\_\_.

\_\_\_\_ Priority under 35 U.S.C. 119 is claimed on the basis of prior Australian application Serial No. PO4186, filed on December 12, 1996. A certified copy of this prior application was previously filed in the parent application.

Amend the specification by inserting before the first line the sentence:

--This is a continuation of co-pending application Serial No. 08/989,150, filed on December 12, 1997, which is hereby incorporated by reference in its entirety.--

The prior application is assigned to ResMed Limited, an Australian company.

The power of attorney in the prior application is to:

Andrew D. Sorensen, Reg. No. 33,606, William J. Kubida, Reg. No. 29,664, F.A. "Sandy" Sirr, Reg. No. 17,265, Earl C. Hancock, Reg. No. 19,472, Homer L. Knearl, Reg. No. 21,197, Gregg I. Anderson, Reg. No. 28,828, Carol W. Burton, Reg. No. 35,465, Richard A. Bachand, Reg. No. 25,107, William W. Cochran, Reg. No. 26,652, Lee R. Osman, Reg. No. 38,260, John R. Wahl, Reg. No. 33,044, Stuart T. Langley, Reg. No. 33,940, and James A. Pinto, Reg. No. 40,774.

- a.  The power appears in the original papers of the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  Recognize as associate attorney and address all future communications to:

Lee R. Osman  
Holland & Hart LLP  
555 17<sup>th</sup> Street, Suite 3200  
P.O. Box 8749  
Denver, CO 80201-8749

\_\_\_\_ A verified statement that this filing is by a small entity:

\_\_\_\_ is attached.

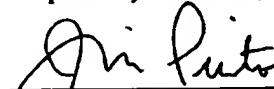
\_\_\_\_ has been filed in the parent application and such status has been re-determined and is still proper and desired. (37 C.F.R. 1.28(a)).

Please forward all correspondence to:

Lee R. Osman, Reg. No. 38,260  
HOLLAND & HART LLP  
555 Seventeenth Street, Suite 3200  
P.O. Box 8749  
Denver, Colorado 80201  
Phone: (303) 295-8589  
Fax: (303) 295-8261

Dated this 20<sup>th</sup> day of December, 1999.

Respectfully submitted,

  
James A. Pinto, Reg. No. 40,774  
HOLLAND & HART LLP  
555 17<sup>th</sup> Street, Suite 3200  
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Attorney Docket No. 38730.830029.001  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Continuation Application of:

Michel CALLUAUD and Victor YERBURY

Serial No.

Filed: Herewith on December 20, 1999

For: SUBSTANCE DELIVERY APPARATUS

Examiner:

Art Unit: 3761

CERTIFICATE OF MAILING BY EXPRESS MAIL

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir.

The undersigned hereby certifies that the attached:

1. Patent Application Transmittal;
2. Preliminary Amendment;
3. Copy of prior application (which includes 14 pages of description, 6 pages of claims, 7 sheets of drawings, 3 pages of Declarations, and 1 page of abstract),
4. Check in the Amount of \$1,282.00;
5. Return Card; and

this Certificate of Mailing by Express Mail relating to the above application, were deposited as "Express Mail," Mailing Label No. EL222668295US, with the U.S. Postal Service, addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C., 20231, on this 20<sup>th</sup> day of December, 1999.

December 20, 1999

Valerie A. Brown  
Mailer

December 20, 1999

James A. Pinto  
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